

CHAPTER NO. 754

HOUSE BILL NO. 3144

By Representative Fowlkes

Substituted for: Senate Bill No. 3062

By Senator Fowler

AN ACT to amend Tennessee Code Annotated, Title 30; Title 31 and Title 32, relative to appeals from probate court.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 30-2-609, is amended by deleting the section in its entirety and by substituting instead the following:

(a) In any county having a population of five hundred thousand (500,000) or more according to the 2000 federal census or any subsequent federal census, when the court having probate jurisdiction finally settles an account, any person adversely affected by the settlement may appeal from the judgment to the court of appeals.

(b) In any county having a population of less than five hundred thousand (500,000) according to the 2000 federal census or any subsequent federal census, when the court having probate jurisdiction finally settles an account:

(1) if the judge serving such court is the circuit court judge or chancellor of the judicial district, then any person adversely affected by the settlement may appeal from the judgment to the court of appeals; or,

(2) if the judge serving such court is not the circuit court judge or chancellor of the judicial district, then any person adversely affected by the settlement may appeal from the judgment to the appropriate trial court of general jurisdiction in which case the trial judge shall hear the matter de novo.

SECTION 2.

(a) Except in any county having a population of five hundred thousand (500,000) or more according to the 2000 federal census or any subsequent federal census, the appeal of any decision, ruling, order or judgment of a probate court that is served by a judge who is not the circuit court judge or chancellor of the judicial district in which the matter arose shall be to the appropriate trial court of general jurisdiction in which case the trial judge shall hear the matter de novo.

(b) The appeal of any decision, ruling, order or judgment of a probate court that is served by the circuit court judge or chancellor of the judicial district in which the matter arose [or of a probate court in any county having a population of five hundred thousand (500,000) or more according to the 2000 federal census or any subsequent federal census], shall be to the court of appeals as otherwise provided by law or rule of court.


SECTION 3. This act shall take effect on July 1, 2002, the public welfare requiring it.

PASSED: May 8, 2002


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 14th day of May 2002


DON CONQUIST, GOVERNOR